

TWENTY-NINTH DAY

(Thursday, March 2, 1961)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	

Absent—Excused

Fuller Weinert

A quorum was announced present.

Reverend Cecil W. Barnes of McKinley Avenue Christian Church of San Antonio offered the invocation as follows:

"Our Father, we know that we, by ourselves, are not sufficient for these days and for problems greater than the measure of our best wisdom.

"May the Members of this Legislature be aware of the Unseen Presence. May Your spirit move them, that there may be concession without coercion and conciliation without compromise. May they, who represent us, represent You, and in Your spirit, be courageous enough to begin anew, fearless enough to admit mistakes, and loving enough to forgive each other. May we have the courage to apply what we applaud, to the end that we may help establish Your way of life for the people of Texas.

"May we tolerate nothing in our personal living which, if multiplied, would weaken Texas. Teach us that our state is no better than its citizens and no stronger than those in whom it puts its trust. So we may see ourselves as You see us, that being ashamed we may seek forgiveness, and knowing our weakness we may accept Your strength.

"May we all do the best we can,

with Your help, and be willing to leave the issue in Your hands. May Texas, through these, Your servants, members of this body, do what is right, and may Your blessing rest upon their labors and give them good conscience, through Jesus Christ Our Lord, Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence

Senator Weinert was granted leave of absence for today on account of important business on motion of Senator Lane.

Resolution Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolution:

H. C. R. No. 10, Memorializing the Congress of the United States to propose an amendment to the Constitution of the United States relative to balancing the expenditures of the income of the Government of the United States.

Senate Resolution 152

Senator Herring offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the Intermediate Special Education class from Allison School in Austin, Texas, accompanied by their teacher, Mrs. Barnett; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Herring by unanimous consent presented the students and their teacher to the Members of the Senate.

Reports of Standing Committees

Senator Lane submitted the following reports:

Austin, Texas,
March 2, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 13, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
March 2, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 125, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
March 2, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 10, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
March 2, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 76, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass but that the committee substitute adopted in lieu thereof do pass and be printed.

LANE, Chairman.

C. S. S. B. No. 76 was read the first time.

Senator Crump submitted the following reports:

Austin, Texas,
March 2, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred S. J. R. No. 5, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CRUMP, Chairman.

Austin, Texas,
March 2, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred S. J. R. No. 6, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CRUMP, Chairman.

Austin, Texas,
March 2, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred S. J. R. No. 8, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CRUMP, Chairman.

Austin, Texas,
March 2, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred S. J. R. No. 20, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CRUMP, Chairman.

Senator Colson submitted the following reports:

Austin, Texas,
March 2, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred S. B. No. 43, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

COLSON, Chairman.

Austin, Texas,
March 2, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred S. B. No. 217, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass but that the Committee Substitute adopted in lieu thereof do pass and be printed.

COLSON, Chairman.

C. S. S. B. No. 217 was read the first time.

Senator Hardeman submitted the following reports:

Austin, Texas,
March 2, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 249, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
March 2, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 295, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
March 2, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 226, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
March 2, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. C. R. No. 22, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Senate Bills on First Reading

The following bills were introduced, read first time and referred to the committees indicated:

By Senator Baker:

S. B. No. 296, A bill to be entitled "An Act applying to Texas Southern University authorizing the governing board thereof to discontinue the charging and collection of tuition fees for certain time and to charge students certain building-use fees; authorizing the pledge of the income of such building-use fees and the issuance of bonds, warrants, or notes payable therefrom; providing and prescribing certain terms and conditions relating to such bonds, warrants, or notes; authorizing the charging and collection of additional tuition fees under certain conditions; providing that this Act shall be cumulative of other statutes; authorizing the issuance of refunding bonds, warrants, or notes payable from the income of such building-use fees; providing and prescribing certain terms and conditions relating to such refunding bonds, warrants, or notes; prohibiting certain appropriations out of State funds except under stated conditions; providing a severability clause; containing other provisions relating to the subject; and declaring an emergency."

To the Committee on Finance.

By Senator Baker:

S. B. No. 297, A bill to be entitled "An Act amending Chapter 117, House Bill No. 641, Acts 55th Legislature of Texas, Regular Session, 1957, relating to Harris County Houston Ship Channel Navigation District of Harris County, Texas; validating all acts and governmental proceedings of the Board of Navigation and Canal Commissioners and other officials of said District and all bonds and other obligations of said District heretofore issued and all proceedings heretofore adopted relating to bonds and other obligations of said District; providing a severability clause; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Moore:

S. B. No. 298, A bill to be entitled "An Act amending Chapter 498, Acts of the 55th Legislature, Regular Session, 1957, codified as Article 1725, Vernon's Texas Penal Code, by amending Section 1 defining "Public Display"; amending Section 3 to provide certain labeling of shipping containers of certain fireworks; amending paragraph D of Section 5 fixing the date for payment of annual license fee; adding a paragraph to Section 5 requiring a license for each retail outlet; adding a paragraph M to Section 5 describing certain places where it shall be unlawful to sell or store fireworks; amending Section 10 to require application for public display be filed at least ten (10) days prior thereto; and further amending Section 10 by omitting certain provisions relating to public display and prescribing limitations of the mode of transporting certain fireworks; amending Section 11 so as to provide confiscation of fireworks in certain instances; and declaring an emergency."

To the Committee on State Affairs.

By Senator Smith:

S. B. No. 299, A bill to be entitled "An Act amending Section 87 of the Texas Probate Code, Chapter 55, Acts of the 54th Legislature, Regular Session, 1955, relating to testimony taken in open Court upon the hearing of an application to probate a will; and declaring an emergency."

To the Committee on Jurisprudence.

Senate Concurrent Resolution 24

Senator Lane offered the following resolution:

S. C. R. No. 24, Suspending Joint Rules to permit House and Senate to consider S. B. No. 290.

Whereas, An emergency appropriation is needed by the General Land Office of the State of Texas in order to increase and accelerate the closing of veterans land transactions; and

Whereas, Only by increasing the rate of closing such transactions can the State of Texas avoid the financial burden of paying interest which would otherwise be unnecessary; and

Whereas, The appropriation necessary to effectuate this accelerated program will not come from the General Fund, but will come from the Veterans Land Board Special Fund, No. 52, that has been previously set aside; now, therefore, be it

Resolved, That Section 9a of the Joint Rules be and is hereby suspended so as to permit the two houses to consider S. B. No. 290 at any time.

LANE
RATLIFF

The resolution was read.

On motion of Senator Lane and by unanimous consent the resolution was considered immediately and was adopted by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	

Absent—Excused

Fuller Weinert

Reports of Standing Committees

Senator Crump by unanimous consent submitted the following report:

Austin, Texas,
March 2, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred S. J. R. No. 11, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass and be printed, but that the Committee Substitute adopted in lieu thereof do pass as amended and be printed.

CRUMP, Chairman.

C. S. S. J. R. No. 11 was read the first time.

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,
March 2, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 297, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

AIKIN, Chairman.

Message from the Governor

The following message received from the Governor today was read and was filed with the Secretary of the Senate:

Austin, Texas,
March 1, 1961.

To the Members of the 57th Legislature.

In my message of January 18, 1961, I submitted as an emergency matter the entire subject of retirement of the General Fund deficit before the end of the next fiscal year and the enactment of measures to accomplish that purpose.

Some question has been raised as to whether this emergency submission was limited to the specific measures which I recommended, and to clarify this, I now submit to you as emergency measures for deficit retirement purposes the following bills:

H. B. 331, Amending Art. 12.02, Title 122A, R.C.S., relating to franchise taxes, and prescribing the meth-

od and basis of computation or allocation of such taxes.

H. B. 470, Amending Title 53, R.C.S., relating to escheat, by adding Art. 3272a providing for reports by persons holding personal property subject to escheat and enforcement procedures.

H. B. 559, Taxation to extend the application of the occupation tax on the gross receipts of certain gas, electric and water utilities.

H. B. 334, A bill to be entitled "An Act providing additional revenue for the support of the state government."

H. B. 562, Relating to the financing of the farm-to-market road program.

H. B. 563, Relating to the financing of the farm-to-market road program.

Respectfully submitted,

PRICE DANIEL,
Governor.

Message from the House

Hall of the House of Representatives
Austin, Texas,
March 2, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. 99, Providing for reinstatement of service credits for waiver teachers and for teachers who have withdrawn deposits; providing for purchase of out-of-state teaching service; providing for teacher retirement credit for teaching service; providing a severability clause; and declaring an emergency.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Observance of Texas Independence Day

The President recognized Senator Hardeman and he addressed the Senate as follows:

Mr. President and Members of the Senate:

The program to follow is conducted pursuant to Senate Resolution 108 which I offered several days ago, as has been my custom during the past twelve years. I hope the precedent

has been established which will be observed in the years to come.

In this day and age, when the principles of freedom are being assailed by the forces of evil, it is a source of inspiration and encouragement to freemen to let their thoughts turn back to the events at Washington-on-the-Brazos.

The actions and contributions of that group of dedicated stalwarts, together with the hardships endured should, and I am confident do, cause our hearts to swell with pride, as well as with deep and lasting gratitude, which can best be expressed by our rededication to the principles of constitutional American liberty.

The heritage of Texas—so rich and full—has been purchased and preserved with and by the blood of patriots.

It is now my pleasure to present our distinguished colleague, the Senator from El Paso, who will read the Declaration of Independence, adopted by "The Great Convention" one hundred and twenty-five years ago today, which ranks with those of Mecklenburg and Philadelphia.

Following this reading, another of our distinguished colleagues—the Senator from Bell—will address the Senate on those matters deemed appropriate for the occasion.

Now, the Senator from El Paso—Senator Frank Owen III.

Senator Owen proceeded to the Secretary of the Senate's Reading Desk and addressed the Senate as follows:

Mr. President, distinguished guests, and Members of the Senate.

The honor has come to me this day as a tribute to those gallant and brave patriots who arrested and secured for us our freedom and independence to read the Texas Declaration of Independence. I do so in the hope that each of us shall find within ourselves rekindled that sense of responsibility and obligation held so dear by those who came before us. In memory of, and with thanks to, the many who fought and died for the liberty of Texas and in the name of my wife, Marianne, a devoted student of history, I read the Declaration of Independence.

Senator Owen then read the Texas Declaration of Independence as follows:

THE UNANIMOUS DECLARATION OF INDEPENDENCE

made by the Delegates of the
People of Texas in General
Convention at the Town of
Washington on the 2nd day
of March 1836

When a government has ceased to protect the lives, liberty and property of the people, from whom its legitimate powers are derived, and for the advancement of whose happiness it was instituted; and, so far from being a guarantee for the enjoyment of those inestimable and inalienable rights, becomes an instrument in the hands of evil rulers for their oppression: When the Federal Republican Constitution of their country, which they have sworn to support, no longer has a substantial existence, and the whole nature of their government has been forcibly changed, without their consent, from a restricted federative republic, composed of Sovereign States, to a Consolidated, Central, military despotism in which every interest is disregarded but that of the army and the priesthood—both the eternal enemies of civil liberty, the ever-ready minions of power, and the usual instruments of tyrants: When, long after the spirit of the Constitution has departed, moderation is, at length, so far lost, by those in power that even the semblance of freedom is removed, and the forms themselves, of the Constitution discontinued; and so far from their petitions and remonstrances being regarded the agents who bear them are thrown into dungeons; and mercenary armies sent forth to force a new government upon them at the point of the bayonet: When in consequence of such acts of malfeasance and abdication, on the part of the government, Anarchy prevails, and Civil Society is dissolved into its original elements; In such a crisis, the first law of nature, the right of self-preservation—the inherent and inalienable right of the people to appeal to first principles and take their political affairs into their own hands in extreme cases—enjoins it as a right towards themselves and a sacred obligation to their posterity to abolish such government and create another, in its stead, calculated to rescue them from impending dangers, and to secure their future welfare and happiness.

Nations, as well as individuals, are

amenable for their acts to the public opinion of mankind. A statement of a part of our grievance is, therefore, submitted to an impartial world, in justification of the hazardous but unavoidable step now taken of severing our political connection with the Mexican people, and assuming an independent attitude among the nations of the earth.

The Mexican government, by its colonization laws, invited and induced the Anglo-American population of Texas to colonize its wilderness under the pledged faith of a written Constitution that they should continue to enjoy that constitutional liberty and republican government to which they had been habituated in the land of their birth, the United States of America. In this expectation they have been cruelly disappointed, inasmuch as the Mexican nation has acquiesced in the late changes made in the government by General Antonio Lopez de Santa Anna, who, having overturned the Constitution of his country, now offers us the cruel alternative either to abandon our homes, acquired by so many privations, or submit to the most intolerable of all tyranny, the combined despotism of the sword and the priesthood.

It has sacrificed our welfare to the state of Coahuila, by which our interests have been continually depressed through a jealous and partial course of legislation carried on at a far distant seat of government, by a hostile majority, in an unknown tongue; and this too, notwithstanding we have petitioned in the humblest terms, for the establishment of a separate State Government, and have, in accordance with the provisions of the national Constitution, presented to the general Congress a republican Constitution which was, without just cause contemptuously rejected.

It incarcerated in a dungeon, for a long time, one of our citizens, for no other cause but a zealous endeavor to procure the acceptance of our Constitution and the establishment of a State Government.

It has failed and refused to secure on a firm basis, the right of trial by jury; that palladium of civil liberty, and only safe guarantee for the life, liberty, and property of the Citizen.

It has failed to establish any public system of education, although possessed of almost boundless resources (the public domain) and, although, it is an axiom, in political science, that

unless a people are educated and enlightened it is idle to expect the continuance of civil liberty, or the capacity for self government.

It has suffered the military commandants stationed among us to exercise arbitrary acts of oppression and tyranny; thus trampling upon the most sacred rights of the citizen and rendering the military superior to the civil power.

It has dissolved by force of arms, the State Congress of Coahuila and Texas, and obliged our representatives to fly for their lives from the seat of government; thus depriving us of the fundamental political right of representation.

It has demanded the surrender of a number of our citizens, and ordered military detachments to seize and carry them into the Interior for trial, in contempt of the civil authorities, and in defiance of the laws and the Constitution.

It has made piratical attacks upon our commerce, by commissioning foreign desperadoes, and authorizing them to seize our vessels, and convey the property of our citizens to far distant ports for confiscation.

It denies us the right of worshipping the Almighty according to the dictates of our own conscience; by the support of a national religion calculated to promote the temporal interest of its human functionaries rather than the glory of the true and living God.

It has demanded us to deliver up our arms, which are essential to our defense, the rightful property of free men, and formidable only to tyrannical governments.

It has invaded our country, both by sea and by land, with intent to lay waste our territory and drive us from our homes; and has now a large mercenary army advancing to carry on against us a war of extermination.

It has, through its emissaries, incited the merciless savage, with the tomahawk and scalping knife, to massacre the inhabitants of our defenseless frontiers.

It hath been, during the whole time of our connection with it, the contemptible sport and victim of successive military revolutions; and hath continually exhibited every characteristic of a weak, corrupt and tyrannical government.

These, and other grievances, were patiently borne by the people of Texas until they reached that point at which

forbearance ceases to be a virtue. We then took up arms in defense of the national Constitution. We appealed to our Mexican brethren for assistance. Our appeal has been made in vain. Though months have elapsed, no sympathetic response has yet been heard from the Interior. We are, therefore, forced to the melancholy conclusion that the Mexican people have acquiesced in the destruction of their liberty, and the substitution therefor of a military government—that they are unfit to be free and incapable of self government.

The necessity of self-preservation, therefore, now decrees our eternal political separation.

We, therefore, the delegates, with plenary powers, of the people of Texas, in solemn convention assembled, appealing to a candid world for the necessities of our condition, do hereby resolve and declare that our political connection with the Mexican nation has forever ended; and that the people of Texas do now constitute a free sovereign and independent republic, and are fully invested with all the rights and attributes which properly belong to independent nations; and, conscious of the rectitude of our intentions, we fearlessly and confidently commit the issue to the decision of the Supreme Arbiter of the destinies of nations.

(Signed):

Richard Ellis, President
Charles B. Stewart
Thomas Barnett
James Collingsworth
Edwin Waller
Asa Brigham
John S. D. Byrom
Francisco Ruiz
Jose Antonio Navarro
Jessie B. Badgett
William D. Lacey
William Menifee
John Fisher
Mathew Caldwell
J. William Motley
Lorenzo de Zavala
Stephen H. Everitt
George W. Smyth
Elijah Stapp
Claiborne West
William B. Scates
M. B. Menard
A. B. Hardin
J. W. Bunton
Thomas J. Gazley
R. M. Coleman
Sterling C. Robertson

George C. Childress
Bailey Hardeman
Robert Potter
Thomas Jefferson Rusk
Charles S. Taylor
John S. Roberts
Robert Hamilton
Collin McKinney
Albert H. Latimer
James Power
Sam Houston
David Thomas
Edward Conrad
Martin Parmer
Edward O. LeGrand
Stephen W. Blount
James Gaines
William Clark, Jr.
Sydney O. Pennington
William Carroll Crawford
John Turner
Benjamin B. Goodrich
G. W. Barnett
James G. Swisher
Jesse Grimes
S. Rhoads Fisher
John W. Moore
John W. Bower
Samuel A. Maverick
Sam P. Carson
A. Briscoe
James B. Woods

Senator Hardeman then requested Senator Secrest to make such remarks as he desired relative to Texas Independence Day.

Senator Secrest then addressed the Senate as follows:

Mr. President, my colleagues of the Senate, ladies and gentlemen:

When I was a student at Baylor University Law School, the student body participated each morning in chapel exercises, which were conducted by the President of the University, former Governor Pat M. Neff, who many years earlier had been a member of the Texas Legislature and had served as Speaker of the House. By custom each morning, the chapel ceremonies began with the singing of the "Doxology," which was in recognition of the great Christian heritage that was Baylor's, and in further recognition of the fundamental Christian principles which were so important in the founding of this great institution. That is, we sang the "Doxology" except during the period from March 2nd until April 21st, during which period, chapel began with the singing of "Texas, Our Texas, All

Hail our Mighty State." This was in recognition of another tremendous heritage that belonged to Baylor as well as to other great educational institutions and which was handed down from the days of the Republic of Texas, during which Baylor University was founded.

Some of us have recently seen that stirring movie epic, "The Alamo," and we were made proud anew of the illustrious history of our great State. It is one thing to die for one's country—that is indeed a high sacrifice, but it is made all the greater when one has the choice. And this brave band of Texans had that choice at the Alamo. Never has this world seen the exhibition of a greater degree of personal valor than men like Travis, Bowie, and Crockett showed when their moment of destiny arrived. It was of such a high caliber that the very name Alamo is revered as few others are, and shall continue to be wherever free men dwell.

It is fitting and proper that the Senate of Texas pause today, on this anniversary of the signing of the Texas Declaration of Independence. It should be a source of great pride to the members of this body, which itself is not without high and noble traditions, that we are mindful of the great debt we owe our forebears, and I am personally quite pleased that we should pause for a few moments of reverent reflection for that small group of patriots who 125 years ago, this very day, adopted the Declaration that "the people of Texas are thus constituted a free, sovereign and independent Republic."

The Texas colonists, most of whom were Anglo-Americans, had in fact revolted from the government under which they were living in the autumn and fall of 1835. Indeed, before Christmas of that year the General Council of the then-existing government passed an ordinance on December 11, 1835, which was passed over the Governor's veto on December 13, 1835, calling for elections in all of the municipalities of Texas to be held on February 1, 1836, for the purpose of electing delegates to a plenary convention. The delegates who were thus elected met on March 1st at the little village of Washington on the Brazos River, which was a small village of a hundred or so people. Sixty-two delegates had been elected and during the course of the convention, fifty-

nine took part, the other three having arrived in Washington after the deliberations had ended. Forty-one of the delegates were present on opening day. The village had no printing press and therefore no means of mechanically reproducing any of the deliberations of the convention. There was no library and no books at all were available to the delegates with the exception of those brought with them. The group met in a simple, unfurnished wooden structure which had been constructed with openings for windows and doors, but in which neither the windows nor the doors had been placed. Cotton cloth instead of glass were placed over the windows. On the morning that the convention was called to order, a fresh norther had blown into the State and the temperature stood at 33°. The building afforded no heat of any kind. A long table was procured, along with sufficient chairs for the delegates to be seated. This was no executive session, the public entered the convention building at will and had free access to all parts of the building. It was reported, however, that the spectators who attended were orderly, quiet, and duly respectful of the tremendous task the delegates had before them.

Other and more distressing difficulties faced the delegates. It was, of course, widely known that the invading Mexican Army was near at hand and there was great uneasiness among the delegates about the small garrisons commanded by Fannin and Travis, as well, of course as considerable worry which the delegates had about the families they had left behind in their respective municipalities. One of the earliest motions made was that the delegates adjourn forthwith and go to San Antonio to help defend the Alamo, which was then under siege. This motion was wisely tabled, and Texas can be thankful, because, as great a loss as was the Alamo to the cause of freedom, it would have been incalculably greater had the cream of the colonists, speaking in terms of governmental and legal experience, yielded to the patriotic urge to march in support of the indefensible garrison at San Antonio.

Richard Ellis was elected president of the permanent organization of the convention and H. S. Kimbell, who had recently come to Texas from Tennessee, was elected its secretary. El-

lis had participated in the writing of the Alabama Constitution in 1819, as well as that of Arkansas in 1835. There were several former congressmen of the United States among the delegates and many others who had had experience in the constitutional conventions of other states, principally of the south. Forty of the delegates were under 40 years of age. By far the most prominent delegate present was Sam Houston who had had a distinguished political career before coming to Texas, and among the first official acts of the convention was the election of Sam Houston as Commanding General of the Armies of Texas "then being raised." Houston left the convention on the afternoon of March 6th, which was the day that the Alamo fell. He headed in the direction of Harrisburg with the monumental problem of raising and training an army sufficient in numbers, skill and courage to turn back the invading Santa Anna.

Three of the delegates were Spanish-Americans, Jose Antonio Navarro, Francisco Ruiz, and Lorenzo De Zavala. Zavala was one of the more distinguished delegates, having served as a deputy to the first Mexican National Congress and as president of the Constituent Congress of 1824. He also had served as senator, Governor of the State of Mexico, secretary of the Treasury in Mexico City and minister to Paris from the Mexican government. The presence of these three Spanish-Americans and their participation in the convention's deliberations let the world know that this was not just a small group of disgruntled Anglo-Americans which had as its purpose simply the secession from Mexico. It is interesting to note that Zavala was elected by the convention as its provisional vice-president to serve the Republic of Texas until permanent officers could be elected by the people. David G. Burnet was elected first provisional president.

George C. Childress of Milam called the convention to order and later, on the first day, after the temporary and then the permanent officers had been elected, Childress introduced the following resolution: "Resolved, that the president appoint a committee to consist of five delegates to draft a declaration of independence." Childress, himself, was made chairman of the committee and serving with him were James Gaines of Sabine, Edward Con-

rad of Refugio, Collin McKinney of Red River, and Bailey Hardeman of Matagorda. Though there is not incontrovertible proof, scholars and historians are generally agreed that George Childress was the author of the Declaration of Independence. Some have arrived at this conclusion by the process of elimination, pointing out that Gaines and McKinney, both being among the older delegates had had very little, if any, formal education and further noting that nothing had ever been discovered about Conrad to indicate a capacity on his part to have composed the document. Dr. Eugene C. Barker in his work "Texas History," states that while Bailey Hardeman possessed legal training, he may be considered as not having been endowed with the initiative required to prosecute such an effort. (It may be said in passing that it is through this delegate, Bailey Hardeman, that our own distinguished colleague from Tom Green County is eligible for membership in the Sons of the Texas Revolution, but since my research indicates that Bailey Hardeman was a bachelor, I assume that he was a collateral kinsman of Senator Hardeman.) Thus, it may be concluded that the document was written by Childress, who it is believed had prepared it in his own hand prior to the convening of the delegates and had brought it with him to present to the delegates. Childress, a distinguished lawyer of the Nashville, Tennessee, bar before coming to Texas, a newspaper editor, speaker of unusual eloquence, thus got the credit that had been bestowed some forty years earlier upon Thomas Jefferson as the author of the Declaration of Independence of the United States of America. It is interesting to note that while Thomas Jefferson's declaration was written and adopted some eleven years before the Constitution of the United States was written, the declaration by George Childress was the first principal order of business in the Texas Constitutional Convention which not only wrote the declaration and a constitution for the Republic of Texas, but actually formulated, selected and placed in power a provisional government.

One of the intriguing questions about the Declaration of Independence of Texas is as to the present location of the original document. According to one W. P. Zuber, who wrote an article in the Galveston

News in 1900, the original has been lost. Zuber's story was that the secretary of the convention, who by the way was not an elected delegate to the convention itself, took the instrument with him soon afterwards when he returned to Kentucky and that the document had been lost. Another story is that the original was found in the archives of the United States, marked "original" and with the further notation that it had been left there on May 28, 1836. Senator Culbertson secured its return and it is now in the possession of the State of Texas, and is kept in a special case in the rotunda of the Capitol. It will presumably be located in the future in the beautiful new Archives Building just east of the Capitol, which is now nearing completion. This copy, however, which was found in the archives of the United States was undoubtedly the engrossed and signed copy which had very likely been prepared by a clerk from the original Childress instrument, and since it was the copy which the delegates signed, it is true that it would be officially designated as the original. But there is much room to argue that the real original, the copy from which the delegate Childress read to the convention on the morning of March 2nd, the copy that was presumably in the handwriting of Childress himself, was in truth and in fact taken by Secretary Kimbell to the hills of Kentucky where it may now still possibly remain, awaiting only the patient and painstaking effort of a research scholar bent upon the location of this valuable document. It, too, may someday find its rightful place in the Archives Building of this great State, alongside the first copy ever made of the Texas Declaration of Independence and which copy is marked "original."

My friends, the Declaration to which we today pay homage is but another great milestone in the march of freedom and indeed another triumph over tyranny. These men who wrote it and those who signed it were acting in a period of crisis in the affairs of men. They were fulfilling a responsibility in a splendid and noble fashion. The responsibility which we have today as Texas Senators is, of course, in most respects less great than that borne by these patriots of 1836, but in some respects our responsibility is more great because each of us here this morning repre-

sents several hundred times as many people as did all the delegates to this convention. I am certain that the Senate joins me this morning in the prayer that we may play as well our role in the continuing processes of representative constitutional government as did these men we honor, and I am further confident that each of us this morning renews the pledges and the oaths we individually made, both before the electorate in our own districts and here in this sacred chamber, to protect, preserve and defend the principles enunciated in the Declaration of Independence of Texas, that great document which our distinguished colleague from El Paso has this morning read so well.

Thank you, ladies and gentlemen.

Executive Session

Senator Dies asked unanimous consent for the Senate to go into Executive Session at 11:30 o'clock a.m. today.

There was objection.

Senator Dies then moved that the Senate go into Executive Session at 11:30 o'clock a.m. today (Senator Dies on yesterday gave notice that he would make a motion for an Executive Session today).

The motion prevailed by the following vote:

Yeas—26

Aikin	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Hudson	Rogers
Kazen	Schwartz
Krueger	Secrest
Lane	Smith
Martin	Willis

Nays—1

Baker

Absent

Gonzalez Herring

Absent—Excused

Fuller Weinert

Accordingly, the President directed all those not entitled to attend the Executive Session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the Executive Session the Secretary of the Senate informed the Journal Clerk that the Senate had confirmed the following nominations of the Governor:

To be a member of the Texas Board of Corrections, for a six-year term to expire February 2, 1965: Gallo-way Calhoun of Tyler, Smith County.

To be a member of the Texas Industrial Commission, for a six-year term to expire February 15, 1965: E. B. Germany of Dallas, Dallas County (designated Chairman).

To be a member of the Texas Industrial Commission, for a six-year term to expire February 15, 1965: Chester C. Wine of Laredo, Webb County.

To be a member of the Texas Industrial Commission, for a two-year term to expire February 15, 1961: Richard H. LeTourneau of Longview, Gregg County.

To be a member of the Board of Directors of the Guadalupe-Blanco River Authority, as designated by the Board of Water Engineers, to fill the unexpired term of Hartwell J. Kennard, deceased, term to expire February 1, 1965: Edward Reese of Gonzales, Gonzales County.

To be a member of the Texas Civil Judicial Council, for a six-year term to expire July 1, 1965: Clark Anderson of Lufkin, Angelina County.

To be a member of the Texas Board of Corrections, to fill the unexpired term of Lewis Nordyke, deceased, term to expire February 2, 1963: John S. Justin, Jr., of Fort Worth, Tarrant County.

To be a member of the Texas Board of Corrections, for a six-year term to expire February 2, 1965: Dr. Marvin S. Vance of Austin, Travis County.

To be a member of the Texas Board of Corrections, to fill the unexpired term of Walter W. Cardwell, deceased, term to expire February 2, 1961: Mor-

ris Roberts of Victoria, Victoria County.

To be a member of the Texas Board of Corrections, for a six-year term to expire February 2, 1965: Walter Pfluger of Eden, Concho County.

To be a member of the Board of Directors of the Guadalupe-Blanco River Authority, for a six-year term to expire February 1, 1967: N. L. Deviney of Martindale, Caldwell County.

To be a member of the Texas Animal Health Commission, for a six-year term to expire September 7, 1965: M. C. Puckett of Fort Stockton, Pecos County.

To be a member of the Board of Directors of the Guadalupe-Blanco River Authority, for a six-year term to expire February 1, 1967: Edgar Engelke of Seguin, Guadalupe County.

To be a member of the Credit Union Advisory Commission, for a three-year term to expire December 31, 1962: Benny G. Levissee of Fort Worth, Tarrant County.

To be a member of the Board of Directors of Texas College of Arts and Industries, for a six-year term to expire August 31, 1965: Vernon F. Neuhaus of Mission, Hidalgo County.

To be a member of the Texas Industrial Commission, for a six-year term to expire February 15, 1967: Richard H. LeTourneau of Longview, Gregg County.

To be a member of the Texas Aeronautics Commission, for a six-year term to expire September 4, 1965: Shelby Kritser of Amarillo, Potter County.

To be members of the Texas Industrial Commission, for four-year terms to expire February 15, 1963: Ray H. Horton of Houston, Harris County; Al H. Chesser of Austin, Travis County; Morris Higley of Childress, Childress County.

To be Judge of Criminal District Court Number One, Bexar County, to fill the unexpired term of Judge M. D. Jones, deceased: Archie S. Brown of San Antonio, Bexar County.

To be a member of the State Board of Public Accountancy, for a six-year term to expire September 4, 1965:

Charles A. Meroney of Dallas, Dallas County.

To be a member of the State Board of Public Accountancy, for a six-year term to expire September 4, 1965: Edwin E. Merriman of Lubbock, Lubbock County.

To be a member of the Industrial Accident Board, to fill the unexpired term of Walter Buckner as Employer Member of the Board, term to expire September 1, 1963: J. Overby Smith of Austin, Travis County.

To be a member of the Industrial Accident Board, to fill the unexpired term of J. Overby Smith as Employer Member of the Board, term to expire September 1, 1963: Walter Buckner of San Marcos, Hays County.

To be a member of the Industrial Accident Board, to fill the unexpired term of Ned Price as Lawyer Member and Chairman of the Board, term to expire September 1, 1961: J. Overby Smith of Austin, Travis County.

To be a member of the Board of Directors of Texas College of Arts and Industries, for a six-year term to expire August 31, 1965: Cecil E. Burney of Corpus Christi, Nueces County.

To be Labor Member of the Texas Employment Commission, to fill the unexpired term of R. F. Newman, deceased, term to expire November 21, 1962: J. E. (Ed) Lyles of Mart, McLennan County.

To be Commissioner of Labor Statistics, for a two-year term to expire January 31, 1963: R. B. (Dick) Lattin of Austin, Travis County.

To be a member of the Texas Animal Health Commission, to fill the unexpired term of Frank Scofield, resigned, term to expire September 7, 1961: Norman Moser of DeKalb, Bowie County.

To be members of the Texas Board of Architectural Examiners, for six-year terms to expire July 21, 1965: E. Davis Wilcox of Tyler, Smith County; Joe G. Smyth, Jr., of Corpus Christi, Nueces County.

To be a member of the Texas Board of Architectural Examiners, to fill the unexpired term of William M. Collier, Jr., resigned, term to expire July 21, 1961: Daniel Boone of Abilene, Taylor County.

To be a member of the State Se-

curities Board, for a six-year term to expire upon the installation of the Governor in 1967: W. M. (Pete) Rodas of Emory, Rains County.

To be State Commissioner of Education, for a four-year term beginning June 1, 1961, and ending May 31, 1965: Dr. J. W. Edgar of Austin, Travis County.

To be a member of the State Board of Hairdressers and Cosmetologists, for a six-year term to expire August 9, 1965: Mrs. Margarette Bortel of San Antonio, Bexar County.

To be members of the Finance Commission of Texas, for six-year terms to expire February 1, 1965: W. B. Russell of DeKalb, Bowie County; Walter J. Taylor of Tuscola, Taylor County; Lacy Boggess of Fort Worth, Tarrant County.

To be a member of the Gulf States Marine Fisheries Commission, for a three-year term to expire March 17, 1963: Wilson Southwell of San Antonio, Bexar County.

To be Associate Justice of the Court of Civil Appeals for the First Supreme Judicial District to fill the unexpired term of Judge Phil D. Woodruff, resigned: Tom F. Coleman, Jr., of Houston, Harris County.

To be members of the Credit Union Advisory Commission, for three-year terms to expire December 31, 1963: R. C. Morgan of El Paso, El Paso County; Mrs. Bessie Heard of Houston, Harris County.

To be a member of the Industrial Accident Board, for a six-year term to expire September 1, 1965: Leonard Carlton of Commerce, Hunt County.

In Legislative Session

The President called the Senate to order as in Legislative Session at 12:03 o'clock p.m. today.

Proceedings of Observance of Texas Independence Day Ordered Printed in Journal

On motion of Senator Hardeman and by unanimous consent the remarks and proceeding in the observance of Texas Independence Day was ordered printed in the Senate Journal.

Adjournment

On motion of Senator Aikin the

Senate at 12:05 o'clock p.m. adjourned until 11:00 o'clock a.m. on Monday, March 6, 1961.

THIRTIETH DAY

(Monday, March 6, 1961)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis

Absent—Excused

Hudson

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Holy Father, 'The ox knoweth his owner; but Israel doth not know . . .' Many of us do not know, we must be humble to be great; become foolish to be wise; and lose life for Thy sake to find it. Grant that we may crucify self, and crown Christ in our lives today. We pray in His name. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 2, 1961, was dispensed with and the Journal was approved.

Leave of Absence

Senator Hudson was granted leave of absence for today on account of important business on motion of Senator Owen.

Senate Resolution 154

Senator Herring offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the Fifth Grade Class of the Brykerwoods Elementary School, Austin, Travis County, Texas, accompanied by their teacher Mrs. W. H. Townsend, Daughter-in-Law of Senate Chaplain Reverend W. H. Townsend; and

Whereas, These students of today are the citizens, leaders, and statesmen of tomorrow, who, with the acceptance of democracy's heritage, must carry on the responsibilities of self-government; and

Whereas, it is highly commendable that these young people are demonstrating, by their visit in the Senate, an interest in the processes of their state government; now, therefore, be it

Resolved, That we extend to these students a cordial welcome; and that a copy of this Resolution, bearing the official seal of the Senate, be sent to them in appreciation of their visit.

The resolution was read and was adopted.

Senator Herring by unanimous consent presented the students and their teacher to the Members of the Senate.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 6, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 29, Inviting Dr. James H. Jauncey to address a Joint Session of Both Houses at 11:30 a.m. on Thursday, March 9, 1961.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Bills on First Reading

The following bills were introduced, read first time and referred to the committees indicated:

By Senator Krueger:

S. B. No. 300, A bill to be entitled "An Act amending Article 5221b-9(e), Revised Civil Statutes of Texas, 1925, as amended, by providing for certain